FILE COPY

No. 732

In the Supreme Court of the United States

OCTOBER TERM, 1929

UNITED STATES OF AMERICA, APPELLANT

v.

JAMES E. FARRAR

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MASSACHUSETTS

STATEMENT OF JURISDICTION

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UNITED STATES OF AMERICA, APPELLANT

v.

JAMES E. FARRAR

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MASSACHUSETTS

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C., Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and by Section 238 of the Judicial Code as amended by the Act of February 13, 1925.

B

DATES OF JUDGMENT AND APPLICATION FOR APPEAL

The judgment of the District Court was entered March 7, 1930. (R. 2.[1]) The application for appeal was made March 8, 1930, and allowed the same day. (R. 8.) The case was docketed in this Court March 12, 1930.

NATURE OF THE CASE

The indictment charged that the defendant had unlawfully and knowingly purchased intoxicating liquor containing one-half of one per cent or more of alcohol by volume and fit for use for beverage purposes as defined in the National Prohibition Act. (R. 1.) A motion to quash the indictment was sustained on the grounds that the provision of Section 6, Title II, of that Act, prohibiting the purchase of liquor without a permit, applies only to persons to whom permits to purchase liquor may lawfully issue under the Act, and that the purchase of liquor is not otherwise made an offense by the National Prohibition Act. (R. 3–7.)

D

CASES SUSTAINING JURISDICTION

United States v. *Stevenson*, 215 U. S. 190, 195–196.

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[1]All references to the record are to the pages of the certified unprinted record prepared by the clerk of the District Court and on file with the clerk of this Court. The record has not yet been printed.

United States v. *Patten*, 226 U. S. 525.
United States v. *Birdsall*, 233 U. S. 223.
United States v. *Yuginovich*, 256 U. S. 450, 461.

Respectfully submitted.

WILLIAM D. MITCHELL,
Attorney General.
G. A. YOUNGQUIST,
Assistant Attorney General.
JOHN J. BYRNE,
Attorney.

MARCH, 1930.

U. S. GOVERNMENT PRINTING OFFICE: 1930